

Senate Bill 346

By: Senators Hudgens of the 47th, Hawkins of the 49th, Murphy of the 27th, Staton of the 18th and Johnson of the 1st

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 51-1-29.4 of the Official Code of Georgia Annotated, relating to liability of voluntary health care providers and sponsoring organizations, so as to provide that medical care professionals who provide services at free health clinics may receive compensation for their services from the free health clinic without affecting their immunity from liability under certain circumstances; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 51-1-29.4 of the Official Code of Georgia Annotated, relating to liability of voluntary health care providers and sponsoring organizations, is amended by revising subsection (b) as follows:

"(b)(1) A free health clinic and its agents, employees, and volunteers when acting within the scope of that relationship shall not be liable to a patient for ordinary negligence which proximately causes injury to or the death of that patient if the services provided to that patient were free of any charge and the free health clinic and the medical care professional whose services are at issue neither received nor expected to receive any payment or other compensation or financial benefit for providing care to that patient; provided, however, that the medical care professional may receive compensation for his or her services from the free health clinic.

(2) A licensed hospital, public school, or nonprofit organization which requests, sponsors, or participates in providing the services of a free health clinic shall not be liable to a patient for ordinary negligence which proximately causes injury to or the death of that patient if the services requested, sponsored, or provided to that patient were free of any charge and the free health clinic, the medical care professional whose services are at issue, the licensed hospital, the public school, or the nonprofit organization did not receive or expect to receive any payment or other compensation or financial benefit for

1 providing care to that patient; provided, however, that the medical care professional may
2 receive compensation for his or her services from the free health clinic.

3 (3) The immunity granted under this Code section shall not waive or affect and is
4 cumulative of any existing immunity from any other source."

5 **SECTION 2.**

6 This Act shall become effective upon its approval by the Governor or upon its becoming law
7 without such approval.

8 **SECTION 3.**

9 All laws and parts of laws in conflict with this Act are repealed.